

**Sidewalk Vending
Award of Vending Sites
Fall 2008**

The award of sidewalk vending sites for 2009 will be made on December 11, 2008 as detailed below.

Outstanding City Sales Tax Liabilities or Delinquent City Returns

No site awards will be finalized with vending businesses that have any outstanding privilege (sales) tax or license fee liabilities with the City or delinquent sales tax returns required to be filed with the City. This includes all current or past due obligations, whether related to a current year sidewalk vending location or any other City license. For outstanding balance information bidders may call 602-262-6785, press 7 then 2. All obligations must be satisfied **prior to** the December 11, 2008 Site Award. It is solely the responsibility of the potential bidder to provide proof of filing and/or payment.

Bidder Certification

To be certified, a person:

1. Must provide the Tax Division with a letter of clearance obtained after September 30, 2008 from the City of Phoenix Police Department (requiring a fee to Police) prior to submitting any bid.
2. Must comply with the requirements above related to outstanding sales tax liabilities or delinquent sales tax returns.
3. Cannot be a party to a license agreement that is under suspension at the time of the annual award or a party to a license agreement that was terminated within the 12 months prior to the award date. Additionally, neither a licensee nor an owner, partner, officer or member of a licensee who was a party to a license agreement that was terminated within the 12 months prior to the award date, nor any person acting on behalf of such licensee or owner, partner, officer or member of a licensee, shall be eligible for participation in the award process or to enter into a new sidewalk vending license agreement.

Site Award

The Site Award will start at 9:00 a.m., MST on Thursday, December 11, 2008 at Phoenix City Council Chambers, 200 West Jefferson Street. YOU MUST BE PRESENT AT THIS MEETING TO BE AWARDED A SITE, either in person or by representation. If someone other than an owner, partner, officer or member of the vending business represents the vending business, the vending business must execute the attached Representation of Vending Business form, which must have a notarized signature of the owner, partner, officer or member, as appropriate. The representative must provide the form to the City at the Site Award. Please arrive no later than 9:00 a.m. with all required documents and fees.

No person may be awarded, or may license or sublicense more than two vending sites, of which only one may be a primary site. A person is eligible to bid for a site only if the person has not reached the limit on the number of sites and may only bid as the vending business or as a representative for one vending business, but not both. Sites will be awarded by auction to the highest bid made by an eligible, certified bidder. Bids will only be accepted from an eligible, certified bidder. The order of the sites for auction is at the discretion of the Finance Department and is subject to change by the Finance Department at any time. Sites not awarded by the initial auction may be awarded later at the discretion of the Finance Department.

A \$1,000 deposit must be provided at the Site Award, prior to the bid start for the site, for each vending site that the bidder is seeking, up to \$2,000 if the bidder seeks to be awarded two sites. Once a bidder has been awarded a site, the \$1,000 deposit becomes the property of the City and may be applied by the bidder to the final bid amount. If the final bid amount is not paid in full within the time limit below, the deposit is forfeited to the City and the bidder is neither entitled to the deposit nor any rights to the vending site, but the bidder will be considered to have been awarded the site for purposes of determining the limit to the number of sites. If the final bid amount is less than the deposit, the difference will be refunded to the successful bidder.

If there are sites not awarded due to the lack of a bid or other reason, the unawarded sites may be re-opened for auction after the payment period for awarded sites has closed at the discretion of the Finance Department.

Payment of Bid Deposit and License Fee

Payment of any deposit or license fee must be made in cash or by money order or cashier's check made payable to the City of Phoenix in U.S. dollars or any combination. Bidders not awarded a site will have their deposit of cash, money order or cashier's check that was not applied or forfeited returned to them at the Site Award in the same manner paid.

All bidders awarded sites will be verified by City staff to have no outstanding privilege (sales) tax or license fee liabilities with the City or delinquent sales tax returns required to be filed with the City. **Bidders awarded sites are required to pay the balance of the bid amount in full, no later than 15 minutes after the award of the last site in the auction.**

Effective Dates

All license agreements will be effective beginning January 1, 2009 or later and will expire on December 31, 2009. License agreements will be provided for signature after December 27, 2008. If the awarded bidder does not sign the license agreement within 30 days of the agreement date, the bidder forfeits all rights to the site, and the awarded bid amount and deposit becomes property of the City.